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Response Under 37 CFR §1.116  
Expedited Procedure  
Examining Group 1742  
Application No. 09/996,649  
Paper Dated: December 23, 2003  
In Reply to USPTO Correspondence of June 23, 2003  
Attorney Docket No. 2204-011944



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/996,649  
Applicants : Kenjiro Ito et al.  
Filed : November 28, 2001  
Title : ABRASION RESISTANT STEEL  
Group Art Unit : 1742  
Examiner : Deborah Yee

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MAIL STOP RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the final Office Action of June 23, 2003, Applicants submit the following amendments and remarks, together with a three-month Petition for Extension of Time and Request for Continued Examination:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

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Michelle G. Pichora

(Name of Person Mailing Paper)

*Michelle G. Pichora*  
Signature

12/23/2003

Date

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/996,649
Filing Date	November 28, 2001
First Named Inventor	Kenjiro Ito
Art Unit	1742
Examiner Name	Deborah Yee
Attorney Docket Number	2204-011944

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**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If application does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Three-Month Extension of Time
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees (deficiencies only), or credit any overpayments, to Deposit Account No. 23-0650
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Checks in the amount of \$770.00 enclosed for the RCE filing fee; and \$950.00 for the Extension of Time fee.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Alka A. Patel	Registration No. (Attorney / Agent)	49,092
Signature	<i>Alka Patel</i>	Date	12/23/03

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Michelle G. Pichora	Date	12/23/03
Signature	<i>Michelle G. Pichora</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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ATTORNEY DOCKET NO.: 2204-011944

**AMENDMENT TRANSMITTAL LETTER**

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial No.: 09/996,649  
Examiner: Deborah Yee  
Invention: "Abrasion Resistant Steel"

Filing Date: November 28, 2001  
Group Art Unit: 1742

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Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small Entity Status is asserted for this application under 37 CFR 1.27.  
☐ A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.  
☒ No additional fee is required.  
☐ The fee has been calculated as shown below:

	No. of Claims After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total	<u>2</u>	-20	<u>20</u>	<u>0</u>	x \$ 9.00	x \$ 18.00	\$ 0
Indep.	<u>2</u>	- 3	<u>3</u>	<u>0</u>	x \$ 43.00	x \$ 86.00	\$ 0
First Presentation of Multiple Dependent Claim/s					+ \$145.00	+ \$290.00	\$ 0
TOTAL ADDITIONAL FEE							\$ 0

- ☒ A check in the amount of 770.00 is enclosed to cover the RCE filing fee.  
☒ A check in the amount of \$950.00 is enclosed for a three month Petition for Extension of Time.  
☒ The Commissioner for Patents is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this Transmittal are enclosed.  
☒ Any additional filing fees required under 37 CFR 1.16.  
☒ Any patent application processing fees under 37 CFR 1.17.

December 23, 2003

Date

By

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Michelle G. Pichora

(Typed/printed name of person mailing paper/s and/or fee/s)

Michelle G. Pichora

Signature of person mailing papers

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